



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 760-02  
13 May 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested that all references to a fraudulent discharge be removed from your records.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 April 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board noted that you were discharged from the Marine Corps in 1945 by reason of physical disability because of flat feet. You applied for enlistment in the Marine Corps Reserve on 5 April 1948, and were accepted without being required to undergo a physical examination to determine whether you were physically qualified for enlistment. You completed an application for enlistment on that date in which you falsely denied having been previously discharged from the Armed Forces by reason of physical disability. You also indicated that you had not applied for, nor were you in receipt of, disability compensation from the Veterans Administration (VA). A copy of the application is enclosed for your perusal. It did not amount to a disclosure of the basis for your discharge from the Marine Corps.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new

and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure